THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 1624 of 2005

Date: 29.09.2005

Between:

Ietam Bala Beshama, s/o. I.Purushotham,

R/o. Seetharampuram, Narsapuram mandal,

W.G. district

…Petitioner

and

1)The Narsapuram Co-op. Urban Bank Ltd.,

rep. by its Secretary (IC), Narsapuram, W.G. dist.

& another

…Respondents

ORDER:

None appears for the petitioner.

Challenging the action of the respondents in issuing notice dated 18.12.2004 in loan account No.LT/50 and for consequential direction to the respondents to furnish the true and correct statement of accounts after giving credit to the payments made by the petitioner to the first respondent, the present Writ Petition is filed.

The impugned notice was issued to the petitioner by the second respondent intending to auction the immovable property of the petitioner as he failed to discharge the debt due and calling upon the petitioner as to why action should not be taken against him and directed him to appear before him on 10.01.2005 with the explanation. For the said notice, the petitioner can as well give explanation. No right of the petitioner is infringed by receiving such notice. On 08.02.2005, the petitioner obtained interim direction that there shall be interim stay of further proceedings for a period of four weeks on condition that the petitioner deposits a sum of Rs.25,000/- within two weeks. The respondent-bank has taken a specific stand that the petitioner has not complied with the said interim order of this Court. The petitioner is, therefore, indulging in speculation and he succeeded in not attending enquiry and stalling the further proceedings without infringement of any legal right. Since the time to give explanation expired by 10.01.2005, it is reasonable to give reasonable opportunity to the petitioner.

The Writ Petition is disposed of directing the petitioner to give explanation as called for in the impugned notice dated 18.12.2004 within a period of two weeks from today, and thereafter appropriate decision thereon shall be taken by the respondents in accordance with law. Interim order of this Court dated 08.02.2005 shall stand vacated. No costs.

(K.C.Bhanu, J.)

29.09.2005

DRK